

UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

\* \* \*

VICTOR RUIZ.

Case No. 3:23-cv-00354-MMD-CSD

Petitioner,

## ORDER

v.

ELKO COUNTY JAIL, *et al.*,

## Respondents.

*Pro se* Petitioner Victor Ruiz has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. (ECF No. 1-1 (“Petition”).) Ruiz has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing a complete application for leave to proceed *in forma pauperis* (“IFP Application”). Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The Court may authorize an indigent prisoner to begin a habeas action without paying the \$5.00 fee if he or she submits an IFP Application on the approved form and includes three specific documents: (a) the prisoner’s financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner’s account statement for the six-month period prior to filing. See 28 U.S.C. § 1915(a); LSR 1-1; LSR 1-2. Although Ruiz filed an IFP Application, his financial certificate has not been signed by an authorized prison official, and he has not included a copy of his account statement. (ECF No. 1.) Ruiz has until September 1, 2023, to either pay the \$5.00 filing fee or submit a complete IFP Application.

It is therefore ordered that the initial screening of Ruiz's Petition for Writ of Habeas Corpus (ECF No. 1-1) under the Rules Governing Section 2254 Cases is deferred until

1 such time as he has fully complied with this order.

2 It is further ordered that on or before September 1, 2023, Ruiz must file a financial  
3 certificate signed by an authorized prison official and a copy of his inmate account  
4 statement for the prior six-month period. Alternatively, Ruiz must pay the \$5.00 filing fee  
5 on or before September 1, 2023. If Ruiz decides to pay the filing fee from his inmate  
6 account, he must arrange to have a copy of this order attached to the check for the filing  
7 fee. Ruiz's failure to timely comply with this order will result in the dismissal of the Petition  
8 without prejudice and without further advance notice.

9 The Clerk of Court is directed to send Ruiz one blank copy of the IFP Application  
10 form for inmates along with instructions and two copies of this order.

11 DATED THIS 18<sup>th</sup> Day of July 2023.

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14 MIRANDA M. DU  
15 CHIEF UNITED STATES DISTRICT JUDGE  
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